

**Thomas Freedman Jr.** (OSB No. 080697) thomas@prllaw.com  
**Pearl Law LLC**  
552 SW 5th Avenue, Suite 1100  
Portland, Oregon 97204  
Tel: (503) 295-6296 | Fax: (503) 295-6344

**Valentin Gurvits** (*pro hac vice*) vgurvits@bostonlawgroup.com  
**Matthew Shayefar** (*pro hac vice*) matt@bostonlawgroup.com  
**Boston Law Group, PC**  
825 Beacon Street, Suite 20  
Newton Centre, Massachusetts 02459  
Tel: (617) 928-1800 | Fax: (617) 928-1802

**Sean Ploen** (*pro hac vice*) sploen@ploen.com  
**Ploen Law Firm, PC**  
100 South Fifth Street, Suite 1900  
Minneapolis, Minnesota 55402  
Tel: (651) 894-6800 | Fax: (651) 894-6801

**Evan Fray-Witzer** (*pro hac vice*) evan@CFWLegal.com  
**Ciampa Fray-Witzer, LLP**  
20 Park Plaza, Suite 505  
Boston, Massachusetts 02116  
Tel: (617) 426-0000 | Fax: (617) 507-8043

Attorneys for Plaintiff and Counter-defendant Calista Enterprises Ltd.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON – PORTLAND DIVISION

**CALISTA ENTERPRISES LTD.,**  
a Republic of Seychelles company,

Plaintiff,

- v. -

**TENZA TRADING LTD.,**  
a Cyprus company,

Defendant.

Case No. 3:13-cv-01045-SI

**CALISTA ENTERPRISES LTD.'S**  
**MOTION FOR SUMMARY JUDGMENT**

REQUEST FOR ORAL ARGUMENT

**TENZA TRADING LTD.,**  
a Cyprus company,

Counterclaim Plaintiff,

- v. -

**CALISTA ENTERPRISES LTD.,**  
a Republic of Seychelles company, and  
**ALEXANDER ZHUKOV,**  
a Czechoslovakian citizen,

Counterclaim Defendants.

#### **LR 7-1 Certification**

The undersigned counsel for Calista Enterprises Ltd. certifies that counsel for Calista Enterprises Ltd. conferred in good faith with counsel for Tenza Trading Ltd. by telephone on June 16, 2014 prior to filing this motion. The parties were unable to resolve the issues raised in this motion, and the Court's consideration of these issues is respectfully requested.

#### **CALISTA ENTERPRISES LTD.'S MOTION FOR SUMMARY JUDGMENT**

Calista Enterprises Ltd. ("Calista") respectfully requests that this Court grant summary judgment in favor of Calista on all counts of its Complaint for injunctive relief and declaratory judgment, providing the following relief:

1. That Tenza Trading Ltd's ("Tenza") PORNTUBE trademark is cancelled;
2. Declaring that Calista does not infringe Tenza's trademark;
3. Declaring that Calista has not engaged in unfair competition;
4. Ordering that Calista domain names should not be transferred to Tenza.

Calista also respectfully requests that this Court grant summary judgment in favor of Calista on all counts of Tenza's Counterclaims against Calista, including the following relief:

1. Finding that Calista has not infringed the Tenza's registered trademark or Tenza's common law trademark;
2. Finding that Calista has not engaged in unfair competition;
3. Finding that Calista has not engaged in counterfeiting;
4. Finding that Calista has not engaged in cybersquatting;
5. Denying Tenza's request for constructive trust and an accounting; and
6. Finding that Calista has not engaged in conversion.

In support of the foregoing, Calista respectfully submits its Memorandum in Support of Motion for Summary Judgment, filed concurrently herewith.

Dated: June 16, 2014

Respectfully Submitted,  
Plaintiff/Counter-defendant  
Calista Enterprises Ltd.  
By its Attorneys,

/s/ Matthew Shayefar  
Matthew Shayefar (*pro hac vice*)  
Valentin Gurvits (*pro hac vice*)  
Boston Law Group, PC  
825 Beacon Street, Suite 20  
Newton Centre, Massachusetts 02459  
Tel: (617) 928-1800  
Fax: (617) 928-1802  
matt@bostonlawgroup.com  
vgurvits@bostonlawgroup.com

/s/ Evan Fray-Witzer  
Evan Fray Witzer (*pro hac vice*)  
Ciampa Fray-Witzer, LLP  
20 Park Plaza, Suite 505  
Boston, Massachusetts 02116  
Tel: (617) 426-0000

Fax: (617) 507-8043  
evan@CFWLegal.com

/s/ Thomas Freedman Jr.

Thomas Freedman Jr. (OSB No. 080697)  
Pearl Law LLC  
552 SW 5th Avenue, Suite 1100  
Portland, Oregon 97204  
Tel: (503) 295-6296  
Fax: (503) 295-6344  
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/s/ Sean Ploen

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